

**WOLFF & SAMSON PC**

COUNSELLORS AT LAW

THE OFFICES AT CRYSTAL LAKE  
ONE BOLAND DRIVE  
WEST ORANGE, NEW JERSEY 07052  
973-325-1500  
TELECOPIER: 973-325-1501

NEW YORK OFFICE:  
140 BROADWAY  
FORTY-SIXTH FLOOR  
NEW YORK, NEW YORK 10005  
212-973-0572

WWW.WOLFFSAMSON.COM

WRITER'S E-MAIL:  
jlevy@wolffsamson.com

WRITER'S DIRECT DIAL:  
973-530-2067

WRITER'S TELECOPIER:  
973-530-2267

DAVID SAMSON  
ARTHUR S. GOLDSTEIN\*  
ARMEN SHAHINIAN\*  
THOMAS R. O'BRIEN\*  
GAGE ANDRETTA\*  
DANIEL A. SCHWARTZ\*  
KAREN L. GILMAN  
KENNETH N. LAPTOOK\*  
FREDRIC P. LAVINTHAL  
DAVID M. HYMAN\*  
DAVID L. SCHLOSSBERG  
ROGER J. BREENE  
DAVID N. RAVIN\*  
BERNARD S. DAVIS  
HOWARD J. SCHWARTZ\*  
PAUL M. COLWELL  
ROBERT E. NIES  
MORRIS BIENEFELD\*  
DENNIS M. TOFT  
GEORGE A. SPADORO\*  
JEFFREY M. GUSOFF\*  
JOHN F. CASEY  
JAMES D. FERRUCCI  
JOHN M. SIMON

JOHN A. MCKINNEY, JR.  
STEPHEN L. FERSZT\*  
LAURENCE M. SMITH  
WILLIAM E. GOYDAN\*  
DARRYL WEISSMAN\*  
PETER E. NUSSBAUM  
LORI GRIFA\*  
MICHELLE A. SCHAAP  
ADAM K. DERMAN  
ADAM P. FRIEDMAN\*  
MITCHELL S. BERKEY\*  
CATHERINE P. WELLS  
JONATHAN BONDY\*  
SEAN M. AYLWARD  
DANIEL M. MURPHY\*  
ROBERT H. CRESPI\*  
JUNIE HAHN\*  
JOSEPH TRIPODI\*  
JILL D. ROSENBERG\*  
JOHN O. LUKANSKI\*  
ROXANNA E. HAMMETT  
BARBARA B. MANAHAN  
RONALD L. ISRAEL\*

\*MEMBER NJ AND NY BARS  
\*MEMBER NY BAR ONLY  
\*REGISTERED PATENT ATTORNEY

MARTIN L. WIENER (1942 - 2002)

AARON D. BASSAN  
LAUREN M. O'SULLIVAN  
JOSEPH ZAWILA  
HOWARD K. UNIMAN  
STEVEN S. KATZ\*  
JUNE S. MELLER\*  
ANDREW S. KENT\*  
ERIC J. LEVINE\*  
DORIT F. KRESSSEL\*  
JOSEPH MONAGHAN  
STEPHEN G. CORDARO\*  
WARREN BARROWS\*  
LAURIE J. SANDS\*  
DONNA M. EREM  
LEE D. HENIG-ELONA\*  
COUNSEL

CARL B. LEVY  
RHONDA CARNIOL\*  
BARBARA S. HUTCHEON  
ANDREW D. ELLIS  
KLAUS P. STOFFEL\*  
STEPHEN M. ASPERO\*  
STEPHEN A. KISKER\*  
DAVID E. WOLFF\*  
ARTHUR T. HILSON\*  
OF COUNSEL

JOSEPH A. DICKSON  
BRUCE D. ETTMAN\*  
CARLOS G. MANALANSAN  
MYRNA BLUME  
DANIEL D. BARNES\*  
WILLIAM R. FINIZIO  
DIANA L. BUONGIORNO  
THOMAS J. TRAUTNER  
LINDA D. SULLIVAN\*  
JENNIFER R. JACOBUS  
JOSHUA M. LEE

KAREN L. MARKS  
TODD W. TERHUNE  
SHANNON L. KEIM  
MARGARET O'ROURKE WOOD  
MARK A. FORAND\*  
DENISE J. PIPERSBURGH\*  
RUSSEL D. FRANCISCO\*  
NICOLE F. DIMARIA  
DANIEL T. MCKILLOP  
FARAH N. HOMS\*  
SCOTT E. LINSKY\*  
DAVID M. DUGAN\*  
ELISA M. PAGANO  
KATHRYN E. SONG\*  
KIRAN V. SOMASHEKARA\*  
RACHEL C. SANTARLAS\*  
XAVIER M. BAILLIARD  
KEYANA C. LAWS\*  
NATASHA M. SONGONUGA\*  
SCOTT J. GOLDSTEIN\*  
MELISSA A. SALIMBENE\*  
NICOLE K. MARTIN  
ERIC YUN  
JENNIFER L. DE LYON  
NANCY A. DEL PIZZO\*  
DARREN GRZYB  
BETH J. ROTENBERG\*  
DEEPA A. KAIREN\*  
BRIAN KANTAR\*  
ELIZABETH C. YOO\*  
PETER D. SIMON  
JOSHUA M. LEVY\*  
PATRICIA D. CLEARY\*  
GRAHAM H. CLAYBROOK  
KIMBERLY DILORENZO  
CHRISTOPHER J. DONADIO  
MAULIK M. SANGHAVI\*  
MERISA B. VINICK

PLEASE REPLY TO WEST ORANGE

June 5, 2008

**Via Electronic Filing**

Honorable Legrome D. Davis  
United States District Court for the  
Eastern District of Pennsylvania  
6614 U.S. Courthouse  
601 Market Street  
Philadelphia, Pennsylvania 19102

**RE: Agere Systems, Inc., et al. v. Advanced Environmental  
Technology Corporation, et al.  
Civil Action No.: 02-CV-3830**

Dear Judge Davis:

We represent Advanced Environmental Technology Corporation ("AETC") in the above-referenced matter. As Your Honor is aware, the Plaintiffs' case as to AETC in this matter is tied to the Plaintiffs' case against Ashland Chemical Company ("Ashland"). The Plaintiffs claim that both Ashland and AETC should be held liable for any alleged contamination at the Boarhead Farms Site that originated from Ashland's waste stream. As such, AETC has always believed it would be trying this case in tandem with Ashland. This was recently evidenced by the fact that AETC's designation of witnesses included Ashland employees and the Ashland experts.

**WOLFF & SAMSON PC**

Honorable Legrome D. Davis

June 5, 2008

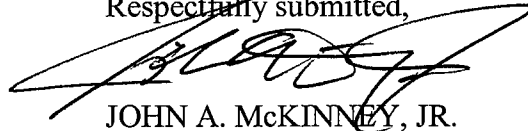
Page 2

As trial approaches, there is a possibility that Ashland will not be present at trial. Therefore, AETC is designating as its experts the Ashland experts W. Leigh Short Ph.D., P.E.; James F. Roetzer, Ph.D.; and Gordon R. Jamieson, P.G. These witnesses produced a joint expert report and were subsequently deposed. Moreover, they have a unique understanding of the relationship between Ashland's waste stream and the contamination discovered at the Site. This relationship goes to the heart of Plaintiffs' case against AETC and the amount of liability the Plaintiffs allege should be allocated to AETC. Therefore, these three witnesses are integral to AETC's (and Ashland's) case.

AETC and Ashland's counsel discussed the appropriate mechanism for jointly retaining these three witnesses, and AETC has offered to pay for half of the fees these experts incur for trial in addition to half the fees the witnesses have incurred to date. If Ashland is not at trial, AETC will pay all of the fees these experts incur for trial.

By this letter AETC is advising the parties and the Court that it intends to designate Ashland's three expert witnesses as its own and call these expert witnesses at trial as part of AETC's case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. McKinney, Jr.", is written over the typed name.

JOHN A. McKINNEY, JR.

cc: All Counsel of Record (via Electronic Filing)